



CITY OF ST. MARYS
418 OSBORNE STREET
ST. MARYS, GEORGIA 31558

MINUTES for PUBLIC HEARING and REGULAR MEETING

St. Marys, Planning Commission
Tuesday, April 24, 2012
City Hall Council Chambers

PUBLIC HEARING

The meeting was called to order at 5:30PM.

The following committee members were present: Royal Weaver, Larry Johnson, Charlotte Bartzack and Arlene Norris. Doug Cooper was not in attendance.

Roger Weaver and Michele Wood represented the Planning Department.

The following items were heard in Public Session at a Public Hearing held Tuesday, April 24, 2012 at 5:30 PM in City Hall Council Chambers, 418 Osborne Street, St. Marys, GA 31558.

1. **DE-ANNEXATION (POSTPONED FROM THE MARCH 27, 2012 MEETING)** – Gregory & Starr Whitaker, 1709 Highway 40 E., St. Marys, GA 31558 is requesting De-annexation of parcel 122-007A from the City of St. Marys. The property is zoned R-2. Tax Parcel 122-007A.

Ms. Starr Whitaker presented her request to de-annex from the City of St. Marys. Ms. Whitaker stated even though she has been paying city taxes, the City has been unable to provide City water and sewer services. Mr. Roger Weaver stated the property was annexed into the City in May 2004. The Planning Commission questioned if there were any county property abutting the Whitaker's property. Mr. Roger Weaver, Planning Director, stated the parcel on the east side of the structure is County property. The structure on the west side is City property zoned C-2. There were no comments or questions from the public.

2. **REVERSE SUBDIVISION** – Christopher & Valerie Ryan, 24 Heron Court, St. Marys, GA 31558 & Pamela Spelding, 193 Cedar Hill Drive, St. Marys, GA 31558 is requesting approval for a three lot to two lot minor final plat, located at 175 Cedar Hill Drive known as Parcel number 122E-138, 122E-139 & 122E-140. The property is zoned PD R-1.

Dean Privett, Privett & Associates, represented the applicants to the Planning Commission stating the applicants purchased the lot located in between their properties with the intention of dividing it and adding it to their adjoining lots. There were no comments or questions from the public

3. **MINOR SUBDIVISION** – Donald Pierce, 110 W. Bryant Street, St. Marys, GA 31558 is requesting approval for a one lot to two minor final plat, located at 203 E. Bryant Street known as Parcel number S41-04-005. The property is zoned R-1.

Jerry Lockhart, 201 Ready Street, represented Mr. Pierce to the Planning Commission explaining the applicant wishes to divide the parcel and construct a new home on the smaller lot 1-A. There were no comments or questions from the public.

4. **VARIANCE – (APPLICANT PULLED REQUEST)** John Simmons, 711 Osborne Street, St. Marys, GA 31558 is requesting a sign variance to allow an off premise V-shape 8' x 15' sign to be located on Charlie Smith Sr Hwy between Doris & Davis Street. The property is zoned C-2, Tax Parcel S05-04-006.

Request was pulled by request of the applicant.

5. **VARIANCE** - David Bell, 25 Linda Street, St. Marys, GA 31558 is requesting a reduction of side yard setback of 10" (25'0" Required, 15'0' Requested) to construct a garage at 25 Linda Street. The property is zoned R-1, Tax Parcel 135F-027.

Mr. Bell presented his request to the Planning Commission explaining the difficulties of being able to build a garage on his lot with the overhead lines in the front yard and a 250 gallon tank buried next to the house on the other side. Applicant is seeking approval for the south side of the property abutting First Street. There were no questions or comments from the public.

6. **VARIANCE** – Curtis Prins, 251 Osprey Circle, St. Marys, GA 31558 is requesting a side yard setback of 1’5” (7’5” Required, 6’0” Requested) to construct an addition at 251 Osprey Circle. The property is zoned PD-R-1, Tax Parcel 122C-416.

The applicant was not in attendance of the meeting. Mr. Roger Weaver, Planning Director, explained the applicant was submitting an application because the proposed addition would have the eaves being constructed into the setbacks. Mr. Roger Weaver explained our present ordinance does not allow any part of the structure to be in the setbacks. Chair of the Planning Commission, Larry Johnson, questioned Mr. Roger Weaver asking when the City Ordinance changed to not allow the eaves of a structure to be built within the setbacks. Mr. Roger Weaver explained it was made with the most recent changes to our subdivision ordinance. Mr. Johnson shared that the old ordinance stated you set the setback from the edge of the building not the eaves. Mr. Johnson felt this could create issues with the future sale of these properties. The surveyors would have to note on the surveys if there is any part of the structure located beyond the building restriction lines. Mr. Roger Weaver explained anything built prior to the ordinance change would have been built according to the ordinance requirements at that time. Mr. Roger Weaver also stated the Planning Commission has the right and the authority to make any changes to the Zoning ordinance. Mr. Johnson stated this change should have never been made to our zoning ordinance. Mr. Roger Weaver asked if the Planning Commission wished to postpone this request until the May meeting. It was agreed a motion would be presented later in the meeting to request a change at the May City Council meeting.

7. **MINOR SUBDIVISION** - Else Stover, PO Box 5245, St. Marys, GA 31558 is requesting approval for a three lot minor subdivision of parcel 135-094 located in Moeckel Place of Shadowlawn Subdivision. The property is zoned R-1.

Mr. Stover was present to address the Planning Commission. There were no comments or questions from the Planning Commission or the public.

8. **REZONING** – The City of St. Marys, 418 Osborne Street, St. Marys, GA 31558 is requesting approval to rezone parcel S41-12-001 from the present PD R-1 zoning to C-1. This property is located at the corner of East St. Marys Street and Ready Street also known as 100 Ready Street.

Roger Weaver represented the City requesting the rezoning of the Gilman Boathouse property. The St. Marys Intracoastal Gateway Committee has requested the property to be rezoned to C-1. Mr. Roger Weaver stated it borders C-1 commercial. Royal Weaver questioned whether the St. Marys Intracoastal Gateway Committee was going to divide the main property from the part of the property that will access the waterfront and dock. Mr. Roger Weaver explained it will probably have an easement or fee simple to maintain access to the water. This would be addressed when they start on the grant.

Jay Lassiter, 202 Ready Street, had a comment to make to the Planning Commission. Mr. Lassiter stated downtown St. Marys needs something. However, Mr. Lassiter stated he thought there was not enough room on the property to do anything with to get St. Marys going. Mr. Lassiter felt changing to C-1 was a shot in the dark. Mr. Lassiter stated the City had not taken into consideration how much the lot would be reduced once storm water drainage was included. Roger Weaver responded by stating before the City bought the property, Mr. Roger Weaver prepared a feasibility study which identified there was room to build a sixty room boutique hotel, 100-150 seat conference center, restaurant and swimming pool. The parking could be taken care of on the site and the storm water could be taken care of either in pipe or retention areas within the building. Mr. Weaver stated the area of property would be able to support at least that. Anything more, he was in agreement with Mr. Lassiter.

Larry Johnson asked Mr. Roger Weaver what a developer will be or will not be required to bring to the Planning Commission for approval. The Planning Commission does have the authority under the C-1 zone to review the design and make sure it is “coastal”. Mr. Roger Weaver stated the Planning Commission can request from council the site plan come to the Planning Commission for review.

Terry Stover, 359 Moeckel Place, asked if once the property was rezoned to C-1 could the property be rezoned again at a later date. The Planning Commission concurred that they could.

Motion to Adjourn Public Hearing - Motion was made by Charlotte Bartzack to adjourn the Public Hearing: Second by Royal Weaver. Voting was unanimous in favor of the motion.

REGULAR MEETING

Approval of Minutes of March 27, 2012 Meeting – Motion was made by Charlotte Bartzack to approve the minutes; Second by Royal Weaver. Voting was unanimous in favor of the motion.

Old Business

1. **DE-ANNEXATION (POSTPONED FROM THE MARCH 27, 2012 MEETING)** – Gregory & Starr Whitaker, 1709 Highway 40 E., St. Marys, GA 31558 is requesting De-annexation of parcel 122-007A from the City of St. Marys. The property is zoned R-2. Tax Parcel 122-007A.

Ms. Bartzack questioned how many properties there are in the area where there are county and city property side by side with the same problem as the applicant. Roger Weaver explained he did not have an exact number but there were several. However, it has always

been the goal of the City to bring sewer all the way down to the properties in the City on Highway 40. Mr. Roger Weaver also commented that the City Police and Fire Department respond to the properties in that area and probably have quicker response times than the county would to that area. Mr. Roger Weaver stated there is some benefit for the applicant having their property in the City. Mr. Weaver also stated he has been talking to Public Works about what it would take to get city water and sewer to these properties. He did not have that answer for them at the meeting. There is a possibility. However, he could not say whether in doing so would be a feasible alternative at this point. Mr. Johnson asked the applicant how she was able to get a permit for a septic tank in the City of St. Marys. Mr. Roger Weaver explained there is a distance requirement. If they are not within the 200 feet distance from a main, which requires a property to be connected to City water and sewer, the property owner can get approval for a septic tank from the Health Department. Mr. Roger Weaver stated the property was annexed in May of 1994. Mr. & Mrs. Whitaker were the property owners at that time. They were not within 200 feet to water and sewer at that time. On June 4, 1994, the Whitakers applied for water and sewer. They paid \$62 of the required \$1,000 fee. On October 3, 1994 the City determined that the sewer could not be installed at this location. On October 11, 1994, the City refunded Gregory Whitaker for \$62 that was paid to the City. The Whitakers may receive City garbage. The City records show they have never applied. Mr. Roger Weaver read from a letter written by Max Tinsley, former Planning Director at that time, dated June 4, 2004 regarding a de-annexation inquiry for the Whitakers. M. Tinsley stated, "Since the City currently surrounds the property, as far as I can determine, and the annexation was requested by the property owners, I recommend not de-annexing this property. If there is a portion of this property that is adjacent to the county, de-annexation may be considered if we do not create an island." Mr. Johnson stated that never came before the Planning Commission. Mr. Roger Weaver stated he guessed it had not. It was before his time with the City. Mr. Roger Weaver stated the annexation and de-annexation laws change on a regular basis and there is some confusion as to whether the County should create and start the process or we create it and start it. Mr. Weaver stated the basic thing with de-annexation is that both parties have to agree for the de-annexation to take place. It was brought to the Planning Commission because it is a Planning issue and it will then go to City Council once the Planning Commission takes action. Part of the reason it would go to the Planning Commission is to allow for a Public Hearing. City Council has public meetings but not necessarily public hearings. Mr. Roger Weaver stated he firmly believes people should have an opportunity to speak. Mr. Roger Weaver also stated at this moment he is in concurrence with Mr. Tinsley that the property should stay in the City. Ms. Whitaker then addressed the Planning Commission stating the only reason they were annexed into the City was because they were supposed to have been allowed to connect to the City water and sewer. She said the only way they were allowed to build their home was if they annexed into the City of St. Marys. Royal Weaver asked about the state laws and would this be creating islands. Roger Weaver stated this would not create an island. Mr. Roger Weaver stated this would go to council as a recommendation. City Council is the actual legal body that will determine whether the property would be de-annexed. Mr. Roger Weaver explained this is not the end of the process. This is just a recommendation from the Planning Commission to City Council. Charlotte Bartzack made a motion to deny the request; Second by Royal Weaver. The vote was (3) to approve, (1) to deny and (1) abstention. Larry Johnson was the committee member that denied the request. Mr. Roger Weaver stated this will be placed on the May 21st City Council meeting. Mr. Johnson stated the reason he did not vote to deny the request was because he had mixed emotions. He stated he has seen things come and go and his reason goes deeper than those on the board. He remembers everything that was said and done with the Gaines Davis annexation and that was the reason he did not vote to deny the request. He stated it would probably be a long time before she does get services and she will still have a septic tank. Mr. Johnson stated we should not be taking these septic tanks for granted. Roger Weaver stated technology changes over the years and that is why we are working to see if there is something to be done. Mr. Roger Weaver stated to Ms. Whitaker that the City will be working on trying to see what can be done before the May 21st City Council meeting. Ms. Bartzack stated she hopes that will happen. Mr. Roger Weaver stated he will definitely let Ms. Whitaker know something before the council meeting. Mr. Johnson may allow her to come back to the Planning Commission if there is another option. Mr. Roger Weaver agreed.

New Business

1. **REVERSE SUBDIVISION** – Christopher & Valerie Ryan, 24 Heron Court, St. Marys, GA 31558 & Pamela Spelding, 193 Cedar Hill Drive, St. Marys, GA 31558 is requesting approval for a three lot to two lot minor final plat, located at 175 Cedar Hill Drive known as Parcel number 122E-138, 122E-139 & 122E-140. The property is zoned PD R-1.

Charlotte Bartzack made a motion to approve the request as submitted for City Council approval; Second by Royal Weaver. Voting was unanimous in favor of the motion.

2. **MINOR SUBDIVISION** – Donald Pierce, 110 W. Bryant Street, St. Marys, GA 31558 is requesting approval for a one lot to two minor final plat, located at 203 E. Bryant Street known as Parcel number S41-04-005. The property is zoned R-1.

Charlotte Bartzack made a motion to approve the request as submitted for City Council approval; Second by Arlene Norris. Voting was unanimous in favor of the motion.

3. **VARIANCE – (APPLICANT PULLED REQUEST)** John Simmons, 711 Osborne Street, St. Marys, GA 31558 is requesting a sign variance to allow an off premise V-shape 8' x 15' sign to be located on Charlie Smith Sr Hwy between Doris & Davis Street. The property is zoned C-2, Tax Parcel S05-04-006.

Application was pulled at the request of the applicant.

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Royal Weaver made a motion to approve the request; Second by Arlene Norris. Voting was unanimous in favor of the motion.

5. **VARIANCE** – Curtis Prins, 251 Osprey Circle, St. Marys, GA 31558 is requesting a side yard setback of 1'5" (7'5" Required, 6'0" Requested) to construct an addition at 251 Osprey Circle. The property is zoned PD-R-1, Tax Parcel 122C-416.

Royal Weaver made a motion to postpone the request until the May Planning Commission meeting; Second by Arlene Norris. Voting was unanimous in favor of the motion

6. **MINOR SUBDIVISION** - Elsie Stover, PO Box 5245, St. Marys, GA 31558 is requesting approval for a three lot minor subdivision of parcel 135-094 located in Moeckel Place of Shadowlawn Subdivision. The property is zoned R-1.

Charlotte Bartzack made a motion to approve the request for City Council approval; Second by Arlene Norris. Voting was unanimous in favor of the motion

7. **REZONING** – The City of St. Marys, 418 Osborne Street, St. Marys, GA 31558 is requesting approval to rezone parcel S41-12-001 from the present PD R-1 zoning to C-1. This property is located at the corner of East St. Marys Street and Ready Street also known as 100 Ready Street.

Charlotte Bartzack made a motion to approve the request; Second by Royal Weaver. Voting was unanimous in favor of the motion.

Granting Audience to the Public: No Comments.

Discussion:

- **Revised Sign Ordinance** - Roger Weaver stated the Planning Commission members had received a revised draft of the sign ordinance. He had requested the Planning Commission review it and get back with him. He has made the changes that were provided by the commission members. Mr. Weaver will prepare the official version of the Sign Ordinance to hopefully be voted upon the next Planning Commission meeting. The committee members requested a copy be emailed for review prior to the next PC meeting.
- **Text Amendment for Outdoor Neighborhood Markets** – Mr. Roger Weaver explained the one year trial period for Outdoor Neighborhood Markets has expired. Ms. King & Mr. Watson, initial applicants for the text amendment, sent a letter to the Planning Department. They have moved to a C-2 location and are very happy. They did not do very well with the Outdoor Neighborhood Market. City Council approved the request with the understanding within a one year period the amendment could be eliminated or allowed to continue. Mr. Roger Weaver stated he recommended the Planning Commission make a recommendation to City Council that the Text Amendment be eliminated because we have had no other requests for this use and the one we did have did not survive.

Arlene Norris made a motion to recommend City Council to eliminate the text amendment for Outdoor Neighborhood Markets; Second by Charlotte Bartzack. Voting was unanimous in favor of the motion.

- **New Definitions for Modular & Manufactured Homes** – The Planning Commission was presented a copy from Mr. Roger Weaver at the April 24, 2012 Planning Commission meeting to review and submit any changes or questions they may have. The Planning Commission members will review the additional changes submitted at the April 24, 2012 PC meeting with the goal to present the final draft to City Council in June.
- **Eaves in the Setbacks** – Mr. Johnson asked if they wanted to discuss this further. Roger Weaver stated if the Planning Commission so desired, they could recommend the Planning Department to locate the applicable code and make the necessary changes to remove this ordinance which prohibits building eaves to be built within the setbacks. The Planning Department can present the ordinance change to the Planning Commission at the May 22nd meeting. The Planning Commission decided to have Roger Weaver present ideas of how to correct this problem to be discussed at the May 22, 2012 PC Meeting.

****UPDATE** – After further measurements were made in the field prior to the issuance of these minutes as a DRAFT, it has been determined that the eaves will not be located within the setbacks. A variance will not be required. The property owners thanked the Planning Commission and Staff for their time and efforts. Since the application is no longer required, this request will not be placed on the May 22, 2012 Planning Commission meeting.

However – The need to update the ordinance regarding this issue as directed by the PC will remain on the agenda for the next meeting.

Motion to Adjourn Regular Meeting – Motion to adjourn the regular meeting by Charlotte Bartzack; Second by Arlene Norris. Voting was unanimous in favor of the motion. The meeting adjourned at 6:37PM.